

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LOUIS J. SIMMONS,

Plaintiff,

vs.

Civil Action 2:03-CV-967
Judge Holschuh
Magistrate Judge King

PROMAXIMA MANUFACTURING, LTD.,

Defendant.

ORDER

On November 28, 2008, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the *Motion to Enforce* be granted and that plaintiff be awarded one-half his attorney fees (1.25 hours at \$395.00 per hour) and defendant's profits from the three machines sold in violation of the *Consent Decree and Settlement Agreement* (\$69.50 for each machine), for a total of \$702.25. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. The *Motion to Enforce* is hereby **GRANTED**. Plaintiff is awarded one-half his attorney fees (1.25 hours at \$395.00 per hour) and defendant's profits from the three machines sold in violation of the *Consent Decree and Settlement Agreement* (\$69.50 for each machine), for a total of \$702.25. The Clerk shall enter **FINAL JUDGMENT** in this action.

Date: December 16, 2008

/s/ John D. Holschuh
John D. Holschuh, Judge
United States District Court